

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 9 through 17 and 19 through 24 are pending, with Claims 9, 19, and 20 being independent. Claims 1 through 8 and 18 have been cancelled without prejudice. Claims 9 through 12, 15 through 17, and 19 have been amended. Claims 20 through 24 have been added. The specification has been amended.

Transmitted herewith are 21 replacement sheets of formal drawings to be substituted for the corresponding drawing sheets presently on file. The new formal drawings include the change made in the sheet filed November 4, 2003. Favorable consideration is earnestly solicited.

Claims 1, 3 through 6, and 18 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,428,529 (Hartrick, et al.). Claims 2, 7, and 8 were variously rejected under 35 U.S.C. § 103 over Hartrick, et al. in view of (a) U.S. Patent No. 5,745,569 (Moskowitz et al.), (b) U.S. Patent Application Publication No. 2002/0057449 (Chapman, et al.), or (c) U.S. Patent No. 5,444,779 (Daniele). Claims 9 through 12, 14 through 17, and 19 were variously rejected under 35 U.S.C. § 103 over Daniele, Moskowitz et al., and Hartrick, et al. All rejections are respectfully traversed.

Claims 9, 19, and 20 variously recite, inter alia, inquiring means for inquiring (Claim 9) or a step of inquiring (Claims 19 and 20), prior to the receiving by the data list receiving means (Claim 9) or in the data list receiving step (Claims 19 and 20), whether to perform the receiving of the data list, in accordance with the detected digital watermark information, in combination with data receiving means (Claim 9) or step (Claims 19 and 20) for receiving data selected by a user from the data list.

However, Applicant respectfully submits that none of Hartrick, et al., Moskowitz, et al., Chapman, et al., and Daniele, even in the proposed combinations, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed combinations of claimed features as recited, inter alia, in Claims 9, 19, and 20. Furthermore, the assertions in the Official Action that the claimed features are inherently disclosed by the cited documents are respectfully traversed as being without support. It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

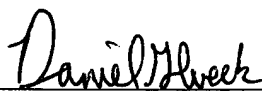
The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicant respectfully submits that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, reading "Daniel S. Glueck", written over a horizontal line.

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